

REMARKS

Claims 4-8, 25-29, and 41-44 are pending. A clean listing of the pending claims is provided for the examiner's convenience.

Previously Filed 2nd Preliminary Amendment Not Considered

Applicant notes the 2nd preliminary amendment mailed on October 16, 2001, and received by the U.S. Patent Office on October 19, 2001, was not properly considered. For example, claim amendments and arguments were made in the second preliminary amendment, including cancellation of claims 1-3, 9-24, and 30-40, which are not reflected in the present Office Action. It is also noted that the present Office Action indicates it is responsive to communications filed May 9, 2001. Accordingly, Applicant requests a new Office Action be issued which considers the 2nd preliminary amendment. A copy of a returned postcard evidencing receipt by the Patent Office of the 2nd preliminary amendment on October 19, 2001, is attached.

Interview Summary Attached

An interview summary is attached reflecting the content of a discussion between the below signed representative and the examiner on August 8, 2005. The examiner agreed to re-issue an Office Action which properly considers the 2nd preliminary amendment.

Should the examiner have any questions, the below signed representative is available at (512) 853-8866.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5957-13101/RDR.

Enclosed:

- ☒ Copy of return receipt postcard for Second Preliminary Amendment of 10/16/01 stamped by the USPTO
- ☒ Interview Summary
- ☒ Return receipt postcard

Respectfully submitted,



Rory D. Rankin
Reg. No. 47,884
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,
Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: August 9, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application No.: 09/853,937

Filed: May 9, 2001

Inventor(s): Julien Tan Nguyen

Title: DYNAMIC
DOWNLOADING OF
HYPERTEXT
ELECTRONIC MAIL
MESSAGES

Examiner: Chea, Philip J.

Group/Art Unit: 2153

Atty. Dkt. No: 5957-13101

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Rory D. Rankin

Printed Name

Signature

August 9, 2005

Date

INTERVIEW SUMMARY

August 8, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper provides a Summary of Interview between the examiner and the below signed representative conducted on August 8, 2005.

Telephonic Interview Summary

All Participants: Examiner Philip J. Chea and representative Rory D. Rankin.

Date of Interview: August 8, 2005.

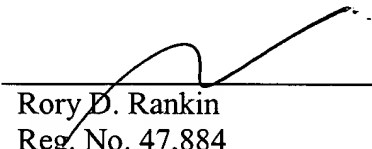
Type of Interview: Telephonic

Substance of Interview:

Mr. Rankin informed Examiner Chea that the Office Action dated May 17, 2005, failed to properly consider the Preliminary Amendment submitted October 19, 2001. Upon review, Examiner Chea agreed that the Office Action failed to properly consider the Preliminary Amendment. Examiner Chea agreed to issue a new Office Action which considers the Preliminary Amendment submitted October 19, 2001.

Should the Examiner have any questions, the below signed representative may be reached at (512) 853-8866.

Respectfully submitted,



Rory D. Rankin
Reg. No. 47,884
ATTORNEY FOR APPLICANT(S)
Customer No. 35690

Meyertons, Hood, Kivlin,
Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: August 9, 2005

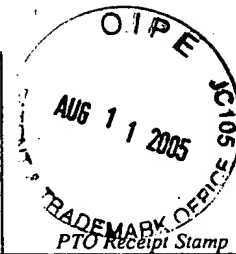
PATENT (POST-APPLICATION) POSTCARD**This confirms receipt of the following papers at the USPTO:**

Docket No: 139.1002.02

Serial No: 09/853,937

1st Inventor: Nguyen

Filing Date: 5/9/2001

Title of Inv: *Dynamic Downloading of Hypertext Electronic Mail Messages*

- | | |
|--|---|
| <input checked="" type="checkbox"/> Transmittal Form SB/21 | <input type="checkbox"/> Fee Transmittal Form SB/17 (2 copies) |
| <input type="checkbox"/> Check in pymt of fees: Check no: _____ | Check Amnt: \$ _____ |
| <input type="checkbox"/> Notice to File Missing Parts (Copy to be Returned) | <input type="checkbox"/> Declaration(s) or Oath(s) |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> 37 CFR 3.73(b) Stmt |
| <input type="checkbox"/> Assignment(s) | <input type="checkbox"/> Recordation Cover Sheet |
| <input type="checkbox"/> Request for Corrected Filing Rcpt | <input type="checkbox"/> Request for Corrected Recordation |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> 37 CFR 197(e) Statement |
| <input type="checkbox"/> PTO Form SB/08A (patents) _____ No. of pgs | <input type="checkbox"/> PTO Form SB/08B (non-patents) _____ No. of pgs |
| <input type="checkbox"/> Copies of References <u>Source of References:</u> _____ | |
| <input type="checkbox"/> Response to Office Action dated _____ | <input type="checkbox"/> Petition for Extension of Time SB/22 |
| <input checked="" type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> Request for Continued Examination (RCE) SB/30 | <input type="checkbox"/> CPA Request Transmittal SB/29 (2 copies) |
| <input type="checkbox"/> Transmittal of Issue Fees Letter | <input type="checkbox"/> Issue Fee Transmittal Part B (2 copies) |
| <input type="checkbox"/> Transmittal of Formal Drawings Letter | <input type="checkbox"/> Formal Drawings - _____ No. of pgs |
| <input type="checkbox"/> Notice of Appeal | <input checked="" type="checkbox"/> Return Postcard |
| <input type="checkbox"/> Other: _____ | |

Attorney: DB

Mailed By: AM

Customer No: 22883

Mailing Date: 10-16-01

RECEIVED

NOV 01 2001

SWERNOFSKY
LAW GROUP

CTS

PATENT (POST-APPLICATION) POSTCARD**This confirms receipt of the following papers at the USPTO:**

Docket No: 139.1002.02

Serial No: 09/853,937

1st Inventor: Nguyen

Filing Date: 5/9/2001

Title of Inv: *Dynamic Downloading of Hypertext Electronic Mail Messages*

PTO Receipt Stamp

- | | |
|--|---|
| <input checked="" type="checkbox"/> Transmittal Form SB/21 | <input type="checkbox"/> Fee Transmittal Form SB/17 (2 copies) |
| <input type="checkbox"/> Check in pymt of fees: Check no: _____ | Check Amnt: \$ _____ |
| <input type="checkbox"/> Notice to File Missing Parts (Copy to be Returned) | <input type="checkbox"/> Declaration(s) or Oath(s) |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> 37 CFR 3.73(b) Stmt |
| <input type="checkbox"/> Assignment(s) | <input type="checkbox"/> Recordation Cover Sheet |
| <input type="checkbox"/> Request for Corrected Filing Rcpt | <input type="checkbox"/> Request for Corrected Recordation |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> 37 CFR 197(e) Statement |
| <input type="checkbox"/> PTO Form SB/08A (patents) _____ No. of pgs | <input type="checkbox"/> PTO Form SB/08B (non-patents) _____ No. of pgs |
| <input type="checkbox"/> Copies of References <u>Source of References:</u> _____ | |
| <input type="checkbox"/> Response to Office Action dated _____ | <input type="checkbox"/> Petition for Extension of Time SB/22 |
| <input checked="" type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> Request for Continued Examination (RCE) SB/30 | <input type="checkbox"/> CPA Request Transmittal SB/29 (2 copies) |
| <input type="checkbox"/> Transmittal of Issue Fees Letter | <input type="checkbox"/> Issue Fee Transmittal Part B (2 copies) |
| <input type="checkbox"/> Transmittal of Formal Drawings Letter | <input type="checkbox"/> Formal Drawings - _____ No. of pgs |
| <input type="checkbox"/> Notice of Appeal | <input checked="" type="checkbox"/> Return Postcard |
| <input type="checkbox"/> Other: _____ | |

Attorney: DB

Mailed By: AM

Customer No: 22883

Mailing Date: 10-16-01

